

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20769 of 2020

K.Kailasam

... Petitioner/ 3rd Accused

-Vs-

State rep. by its:-

Inspector of Police,
CSCID Police Station,
Krishnagiri,
Krishnagiri District.
(Crime No.95 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of the arrest in Crime No.95 of 2020 on the file of the respondent or on his appearance before the concerned Court to release the petitioner on bail.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner has filed this petition under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest under Sections 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1) a (ii) of Essential Commodities Act 1955 in Crime No.95 of 2020 on the file of the respondent police.

2. There are totally four accused, the petitioner is arrayed as A3. The case of the prosecution is that on 02.12.2020, at about 4.00 p.m., at Krishnagiri Toll Gate Way bridge in Krishnagiri-Bengaluru NH Road, the petitioner along with two others was found to be illegally transporting PDS rice in 560 jute bags, totally comes to 28,000 kgs of rice. The petitioner is the owner of the offending vehicle.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and since he happens to be the owner of the lorry, has been falsely implicated in this crime.

4.The learned Additional Public Prosecutor would submit that considering the nature of the offence committed by the petitioner, the Court below had dismissed the bail application filed by the petitioner herein and as regards other accused i.e., A1 and A2 they were already arrested and released on bail. He would further submit that the petitioner and the other accused are the habitual offenders of transporting PDS rice illegally and they have also indulged in the similar crimes frequently.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the submissions made by the learned Additional Public Prosecutor and also the petitioner who is said to have been a habitual offender, indulging in transporting the PDS rice illegally, considering the nature of the offences in which the petitioner has alleged to have involved and transported 28,000 kgs of PDS rice worth about Rs.1,58,200/-, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.20769/2020

Date :08/01/2021

MK:01/02/2021



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